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SENSITIVE
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E.O. 12958: N/A

TAGS: [MARR](#) [KTIA](#) [MOPS](#) [PREL](#) [DR](#)

SUBJECT: FOREIGN MINISTRY STATES THAT PROPOSED AGREEMENT ON STATUS OF
USG FORCES WILL NEED ADDITIONAL INTRA-GOVERNMENTAL CONSULTATIONS AND
CONGRESSIONAL APPROVAL

REF: STATE 1168

(U) Sensitive but Unclassified. Please protect accordingly.

¶1. (SBU) The Foreign Ministry of the Dominican Republic, by diplomatic note dated 10 February 2010 (received 12 February), responded to the Embassy's diplomatic note on a proposed agreement on status protections for U.S. military personnel who will be temporarily present in the Dominican Republic in connection with military exercises and training, counter-drug related activities, U.S. security assistance programs, or other agreed upon peaceful purposes (Reftel). In its note, the Foreign Ministry stated that the provisions in the second and third paragraphs of our proposed agreement "are acceptable," as they "assimilate employees of the American Government as members of the administrative and technical personnel of the Embassy," and thus are covered by the terms of the Vienna Convention on Diplomatic Relations of 1961.

¶2. (SBU) On the other hand, the Ministry stated that the remaining provisions in the note - dealing with contractors' status, duty free entrance of resources, security measures, landing/port fee/pilotage/navigation/overflight and parking exonerations, recognition of professional licenses, surrender to U.S. custody of U.S. personnel arrested, "hold harmless" from claims, and payments for personal injury and death - "imply concessions that are not foreseen in the Vienna Convention" and, consequently are not within the Foreign Ministry's competence, but rather within that of other government agencies, and that the granting of these "concessions" can only be achieved through an agreement that is approved by the National Congress. The Foreign Ministry concluded by stating that in order to proceed with the negotiation of this agreement, it is in the process of obtaining opinions from other Dominican Government institutions whose interests are involved, and will keep the Embassy informed of developments.

¶3. (SBU) Our translation of the Ministry's note follows at paragraph 4. A copy is being emailed to WHA/CAR. Embassy will continue to follow up with the Foreign and Defense Ministries regarding this agreement.

¶4. (SBU) Begin text of diplomatic note:

The Secretariat of State for Foreign Relations presents its

compliments to the Embassy of the United States of America, and avails itself of this opportunity to refer to its Note No. 18, of January 17 of this year, through which it proposes extending the terms of the Agreement by exchange of Notes between the Dominican Republic and the United States of America on August 4, 1988, allowing employees of the U.S. Government, not members of the Embassy, but who were in the Dominican Republic in special missions, to enjoy similar status to that given to the administrative and technical members of the Mission, with the privileges foreseen in the 1961 Vienna Convention on Diplomatic Relations.

In this respect, the Secretariat of State communicates that what is contained in the second and third paragraphs of the Note are acceptable to this Chancery, in the sense that by assimilating the employees of the U.S. Government as members of the technical and administrative staff of the Embassy, they would be covered by the terms of the aforementioned Vienna Convention. However, the other paragraphs of the proposed Agreement imply concessions that are not contemplated by the aforementioned Vienna Convention and therefore granting it is not within the authority of this Chancery, but of other Dominican agencies, which can only be granted by means of an agreement passed by the National Congress.

With the will to continue negotiating this affair, we are collecting the opinion of each of the competent institutions of the

Dominican Government in this matter, and we will keep that Honorable Mission informed.

The Secretariat of State for Foreign Relations avails itself of this opportunity to reiterate to the Embassy of the United States of America, the renewed assurances of its highest consideration.

End Text.
Lambert